

DONNELLY, J.

MANN, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

Juan A. Santiago

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

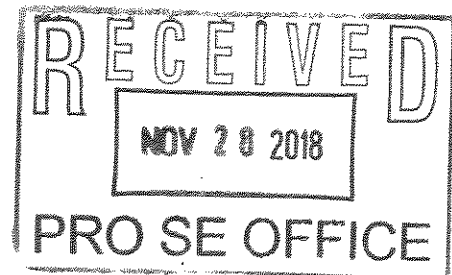
1199 SEIU
TRIBORO CENTER

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No. **CV 18-6711**
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)



I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>JUAN A. Santiago</u>
Street Address	<u>2256 Batchelder St # 3D</u>
City and County	<u>BKlyn, Kings</u>
State and Zip Code	<u>New York, 11229</u>
Telephone Number	<u>(347) 210-7805 / 718 787-5422</u>
E-mail Address	<u>NakiaStewart7@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Triboro Center</u>
Job or Title (if known)	
Street Address	<u>1160 Teller Ave</u>
City and County	<u>Bronx, Kings</u>
State and Zip Code	<u>New York, 10456</u>
Telephone Number	<u>(718) 293-1500</u>
E-mail Address (if known)	

Defendant No. 2

Name	<u>1199 SEIU</u>
Job or Title (if known)	
Street Address	<u>310 West 43rd Street</u>
City and County	<u>Manhattan, Kings</u>

State and Zip Code New York, 10036
Telephone Number (212) 582-1890
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name Triboro Center
Street Address 1160 Teller Ave
City and County Bronx, Kings
State and Zip Code New York, 10036
Telephone Number (718) 293-1500

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ ~~Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.~~

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):
Rehabilitation Act, Against Triboro Center
- ☒ Relevant state law (specify, if known):
N.Y.S. Human rights Law, against Triboro Center
- ☒ Relevant city or county law (specify, if known):
(2) Breach of duty of Fair representation by 1199 SEIU
NYC Human rights Law, Against Triboro center

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (specify): 1199 SEIU Breach of duty
of Fair representation

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

3/13/18, 3/19/18

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☐ national origin _____
☐ age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability)

Chronic Alcoholism, Severe Depression

E. The facts of my case are as follows. Attach additional pages if needed.

- (1) I Worked at triboro Center For 32 1/2 Yrs
From 2/23/85, up until I was maliciously
terminated 3/19/18, (3) months before my
planned early retirement. I'm Positive
Elizabeth Morales let me go because, I
have a disability, Chronic Alcoholism, and
severe depression. When I was terminated
I had just completed one week in rehabilitation,
and I was ready, willing, and able to, return
to work. My Employer, Elizabeth Morales
is very much so aware of, my long years of
alcoholism, and depression, considering

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

She was long time friends, on and off the job, with my dad, a retiree from Triboro Center, and also an alcoholic.

(2) MS Morales was, a director of house keeping, for many years, I worked in that department, before she worked, in human resources. My employer, Triboro Center, and the 1199 SEIU, was very much so, aware of, my alcohol dependencies considering, my several admissions, sent and referred by them.

(3) Triboro Center ordered me into rehabilitation, during a phone call with, Elizabeth Morales on 3/9/18. MS Morales told me that, I had to go back into rehab, before I could return back to work. on 3/16/18 1199 SEIU Social Worker, Linda Torres referred me into rehab, 3/19/18 through 3/26/18, which I successfully completed.

(4) I was sober, feeling great, ready, willing, and able to return back to work when, Triboro Center informed me on 3/26/18, during a phone conversation with, MS Morales, that I had been terminated on 3/19/18. The reason given, was no show no call 3/19/18 - 3/23/18. Then she slam the phone down on me.

(5) Immediately I knew, that I was terminated because of my disability, the alcohol, my depression, and my lack of abilities, due to the damage, the alcohol had done to my nerves, and my noticable, uncomprehensiveness, in many areas in my life. I immediately knew, the reason for my let go was fabricated.

(6) I believe Triboro Center preyed upon my disability, their profession, versus my incapacities. on 2/17/18 I was injured and needed stitches to my forehead. I called out of work sick on 2/19/18, however I did not call out sick, the remaining days, that I was battling with drawls and depression. 2/26/18 I returned back to work and an employee told me that, I could not work

and that, i had to leave the building, because the head director of housekeeping, Thomas, was not present. I ask could i go upstairs to show my emergency room document to, MS morales, but the employee told me again, i had to leave the building. I left.

(7) I returned back on 2/27/18, and i was told by head director of housekeeping, thomas, in a perfunctory and capricious manner, that i was terminated. Thomas didn't give me a reason.

(8) I returned back on 2/28/18, and delegate, marjorie lopez, when i ask, why did triboro terminate me, and i requested a termination letter, told me that, i wasn't terminated, however i would be suspended. MS lopez totally ignored my E.R. document, showing that i had been treated on 2/17/18, for a head injury.

(9) MS lopez told me to go home, while pending an investigation, and went on to add, i better be lucky triboro didn't really fire me. I felt like, the employee, thomas, and MS lopez, all played on my disability, and treated me that way, because of my alcohol addiction.

(10) I felt extremely belittled. During my 32 1/2 yrs at triboro, everytime, except for that time, my absent days were permitted, to my recollection.

(11) after not hearing anything from triboro by 3/9/18 i phoned HR Morales, and she informed me that, triboro ordered me back into rehab, before i could return back to work. MS Morales insinuated that, i was absent from work, due to alcohol, totally disregarding my reason.

(12) I immediately informed MS Morales, that i'd rather

take early retirement. Later that afternoon on 3/9/18, I sent out certified letters to, HR Morales, delegate, MS Lopez, head director of housekeeping, Thomas, administration, Nate Goldman 1199 Social Worker, Linda Torres, and organizer, Zenaida Colone. I informed them all of my decision, to retire early.

(13) After speaking with Linda Torres and Pension on 3/12/18, I learned that there was a 90 day or more application wait time. MS Torres told me that, I needed to begin the retirement process, then go to her, for a referral to enter rehab, then return back to work. I agreed. I wanted to complete my remaining (3) months, then retire.

(14) On 3/13/18 delegate Marjorie Lopez phoned me at home from her cell around 2:30 p.m. extremely disrespectful. MS Lopez began screaming on the phone, obvious bullying me, and told me that, I could not retire, because I was too young. At no time did MS Lopez speak on the results regarding the pending investigation. MS Lopez also never mention, whether or not, I could return back to work.

(15) When I told MS Lopez, retiring is my decision, she hung up on me. Upset and confuse, I phoned Triboro and reached head director of housekeeping, Thomas. Thomas discourage me from retiring early, and did not want to address MS Lopez behavior, or my suspension. Thomas spoke on only, money I'd be losing if I retired early. Thomas said, what happen between me and Lopez was, none of his business.

(16) My girlfriend then called MS Lopez cell back to ask why did she treat me that way, and immediately, MS Lopez, began screaming at her, then hung up. My girlfriend text her, she text back, and they went back and fourth. I phoned Triboro back but the operator told me, I had to take the matter up with the morning shift, on 3/14/18.

(17) Later that same night on 3/13/18, MS Lopez continued to

harass and bully me. About 8:42 PM an anonymous number called me at home. He wouldn't give his name but, he did say that, he was from pension. The caller briefly spoke on pension, but quickly shifted his conversation to, talking about the texts, Ms Lopez and my girlfriend, had exchanged, earlier that day. We began to argue, and then I hung up. Although the caller never identified himself, I later learned through a requested grievance document, he was one of the Vice Presidents of 1199 SEIU, Julio Vives.

(18) I left several confusing phone calls on the organizer Zenaida Colone Voicemail that night on 3/13/18. I also phoned Triboro back, and again I was told to take the matter up with the morning shift. 3/14/18 I phoned Elizabeth Morales, and me and my girlfriend explained to her, what Ms Lopez had done on 3/13/18.

(19) Ms Morales sounded extremely annoyed, and in disbelief. Ms Morales said that she was going to speak with Ms Lopez, but judging by the sound of her voice, I wasn't satisfied with the incident, being in her hands. She sounded more disgusted because I reported Ms Lopez, rather than angry at Ms Lopez for what she had done. I continued to report Ms Lopez, in hopes of her being disciplined. I reported her to 1199 SEIU delegate department, and to administration, Nate. No one reached back out to me.

(20) I reached out to Ms Torres, and again, Zenaida Colone, on 3/14/18. Ms Torres told me, to contact Ms Colone. Ms Colone never responded. On 3/15/18 I sent a certified letter to Nate Goldman regarding Ms Lopez, but Nate never responded. On 3/15/18, I also took a written complaint to the 1199 SEIU delegate department, and I was told, someone would be in touch. No one never responded. On 3/15/18. I also began my retirement process. I attempted to get a referral for rehab from Ms Torres but, she wasn't available.

(21) On 3/16/18 I returned back to the union to get a referral for rehab, and strangely, Ms Torres didn't give me a

Physical copy of the Referral as she normally would. Torres told me to expect a phone call, the morning of 3/19/18 from transport. She said transport would call me, when they had arrived to pick me up. 3/16/18 on my way out, I stopped back at the delegate department, to follow up on the written complaint I took the day before, and the delegate department, pretended as if the complaint didn't exist.

(22) on 3/19/18 transport pick me up and admitted me into rehab. I returned on 3/26/18 and was told by Elizabeth Morales that, Triboro Center terminated me on 3/19/18, due to no show, no call 3/19/18 through 3/23/18, then hung up on me.

(23) Immediately I knew the reason for my let go was because of my chronic alcoholism, disability. I believe Triboro Center preyed upon my disability, and that 3/19/18, was a moment of opportunity. Triboro Center never informed me that, I was to report to work on 3/19/18. I believe Triboro Center planned to terminate me while I was in rehabilitation.

(24) I believe Triboro Center fired me, not only to sabotage me from trying to have Marjorie Lopez disciplined, but also because, I believe on 3/14/18, Triboro Center learned of another, powerful individual's involvement, Julio Vives, one of 1199 SEIU Vice President's.

(25) I believe 1199 organizer, Zenaida Colone never returned any of my phone calls, is because she too, had learned of Julio Vives's involvement, on 3/13/18. The first time Zenaida responded to the 3/13/18 incident, was on 4/13/18, when she sent me the requested grievance. The union violated its duty of fair representation to me.

(26) Zenaida Colone also, violated my privacy out of spite and anger, by sending my grievance, and termination document to my ex wife and children home. Zenaida is very aware of my current residence, considering not only all my mail comes here the past 2 1/2 yrs, she's sent me grievance documents in the past, to my

Prior to her letter sent to me on 4/13/18, one on 3/9/18, and the other on 4/2/18.

27) I declined all the grievances, after I learned ms colone and Julio Viles worked together. I had no one to support me in the hearing. I didn't feel like MS Colone, would be on my side.

(28) After Zenaida learned, I learned of her and Julio's connection she then began altering the following grievance steps, sent to me. MS Colone switched places with Julio's name, putting his name where her's would usually be, in attempt to justify Julio for calling and harassing me on 3/13/18.

(29) MS Morales didn't come into play with the prior suspension from February as a reason for termination in addition, until 4/13/18, when she or someone from Triboro Center FAX the document over to the union, I'm guessing to MS Colone. The document was included into MS Colone certified mail on 4/13/18. MS Morales didn't include that document with the termination document, she handed me on 4/6/18.

(30) I believe ms morales used the prior suspension document as backup. I believe Triboro Center attempted to make the reasoning for my firing look as if not only, I was being let go, following the immediate results of a pending investigation from the previous suspension, but also, Triboro Center attempted to make it seem as if, I had been out no show no call in February, it's more likely than not, I pulled a no show no call on 3/19/18.

(31) On 3/28/18 when I went to the union to speak to MS Colone, according to the receptionist Yvonna Tavares

ms Colone wasn't there. MS Tavares Phoned Zenaida but MS Colone decline to talk with me on the Phone. Zenaida translated through MS Tavares, the entire conversation. Yvonna told me, that ms Colone said that i was Fired the day i came into the union, wanting to Retire 3/15/18.

(32) I believe by then the union and triboro Center was planning, how to terminate me. I believe ms Colone, ms Lopez, and ms Morales was Furious, over the written Complaint i had Submitted to the 1199 seiu delegate department on 3/15/18.

(33) I believe the botched Certified mailing Receipt, MS Morales handed me on 4/6/18 with the termination letter, never intended to reach me. MS Morales Purposely put the Wrong apartment number on the Mail, and Purposely Scribbled my Name, bout as tiny as she knew, would be difficult to make out.

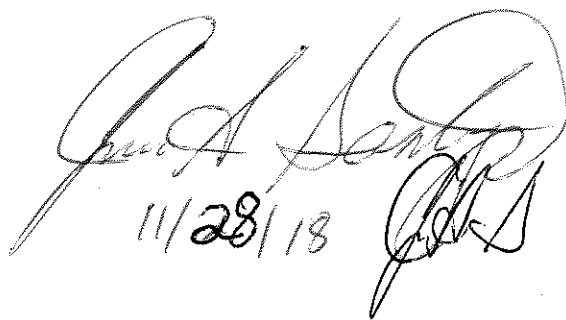
(34) I believe Linda Torres on 3/16/18 had knowledge of the Planned termination. I believe ms Torres didn't provide me a copy of the Referral with her signed Signature on it because by then triboro Center had already informed her of their Plan to Fire me. I believe ms Torres attempted to make it look as if, i went into Rehab, by my own admission, because she knew, as a member, i could.

(35) I believed Marjorie Lopez Flew into Rage, not only because my girlfriend defended me, From her bully on 3/13/18, but also. because i continued Reporting the Incident, in attempt to have her diciplined.

(36) I believe on 3/14/18 after i began reporting Marjorie Lopez's behavior, Triboro Center had learned of Julio Vives's involvement. I believe Triboro Center with the help, from the union, hatched a plan to terminate me, more so before Julio Vives's name, had surface.

(37) I believe Triboro Center carried out this absurd malicious, retaliating, degrading act so perfunctory and so messy because, due to the damage the alcohol had caused me, and my severe depression, they thought i'd be too stupid, incognizant, and too weak, to figure this out. I believe Triboro Center relied on their profession versus my disability.

(38) Triboro Center, and 1199 SEIU caused me a great deal of emotional distress, depression and financial loss. Their actions were dispicable.


11/28/18

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

6/8/18

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date).

9/21/18

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

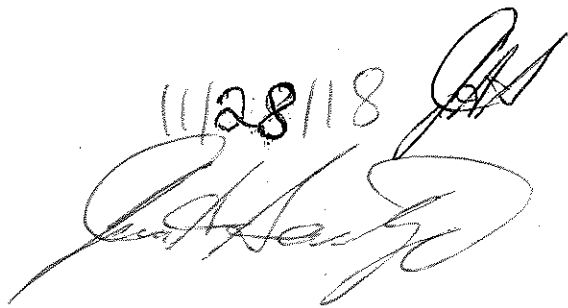
V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I'm Sincerely, Requesting back Pay, the month
suspension 2/26/18 to 3/19/18 \$1,400. The discipline
was an extreme action, totally unjustified. \$477.00
the last week in March. \$57.30 For April, May,
June of 2018. My bi-weekly salary is \$955.00.
Those 3 months I were wrongfully, maliciously

Next Page

terminated. Also, I'm sincerely requesting \$477.00, for the first week in July, and \$378.00, for the 21 HRS vacation time, I was due before, I was terminated. I sincerely ask the court to award me punitive damages for not only, what I had to go through, what I was already going through, but also, the Principal, in which these individuals, had the audacity to be this bold to think, they can do such absurd decision making. I sincerely ask the court, to please take into consideration, my years of employment, at Triboro Center, the field in which these individuals are in, (Medical/Health care), the no remorse, when planning this absurd act, and the fact that, they all preyed upon the sick, took advantage of the disabled, but also their sabotage, their boldness, the maliciousness, and their selfishness. I sincerely ask the court for punitive damages because, this was enough for me to take my life. Everyone involved went on with their lives, without a care in the world.

11/28/18


VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/28, 20/18 

Signature of Plaintiff

Printed Name of Plaintiff

JUAN A. SANTIAGO

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Juan Santiago**
2256 Batchelder Street
Apt. 3-D
Brooklyn, NY 11229

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2018-04170

Philip Reo,
Investigator

(212) 336-3772

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

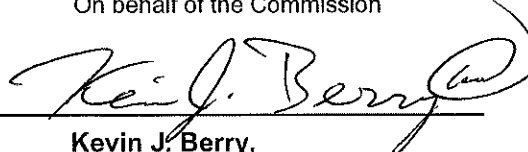


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Kevin J. Berry,
District Director

9/15/18
 (Date Mailed)

Enclosures(s)

CC: **Julio Vives**
Vice President
1999 SEIU
310 West 43rd Street
New York, NY 10036

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC
New York State Division Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Juan Santiago

Home Phone (Incl. Area Code)

~~(718) 888-4848~~

Date of Birth

~~1962~~ ?

Street Address

City, State and ZIP Code

2256 Batchelder Street, Apt.# 3D, Brooklyn, NY 11229

(718) 787-5422
(347) 210-7805

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

TRIBORO CENTER FOR REHABILITATION AND NURSING

No. Employees, Members

20+

Phone No. (Include Area Code)

(718) 293-1500

Street Address

City, State and ZIP Code

1160 Teller Ave., Bronx, NY 10456

Name

1199 SEIU

No. Employees, Members

100+

Phone No. (Include Area Code)

(212) 582-1890

Street Address

City, State and ZIP Code

310 West 43rd Street New York, NY 10036

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

03-15-2018**03-15-2018**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a 56 year old male with a disability. I have been discriminated against based on my age in violation of the Age Discrimination in Employment Act and in violation of the Americans with Disability Act. Specifically, on or about March 15, 2018, the Respondent, Triboro Center terminated my employment. The reason for termination was that I was a no call/no show during the week of March 19-23, 2018. I believe this action was a pretext and counterfactual.

I am a targeted victim due to my incapacities caused by chronic alcoholism and depression.

I believe the Respondent, Triboro Center and the union, 1199 SEIU took advantage of their profession and intelligence over me due to my disability, alcoholism and my age.

I also allege that union 1199 SEIU has done everything to justify and cover up Respondent's unjustified action: my termination on 3/15/18.

I believe this malicious act was carried out by both parties involved because the union and Triboro Center assumed the incapacities.

Based on the above, I believe I have been discriminated against in violation of the Age Discrimination in Employment Act of 1967, as amended and in violation of the American with Disability Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

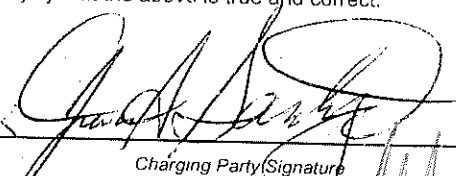
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

6/8/18 

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Juan Santiago**
2256 Batchelder Street
Apt. 3-D
Brooklyn, NY 11229

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2018-03641

Philip Reo,
Investigator

(212) 336-3772

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

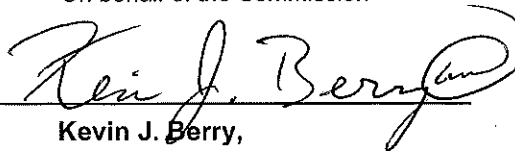


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Kevin J. Berry,
District Director

9/18/18
 (Date Mailed)

Enclosures(s)

CC:

Elizabeth Morales
Director of Human Resources
TRIBORO CENTER FOR REHABILITATION AND NURSING
1160 Teller Ave.
Bronx, NY 10456